



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/752,330 | 12/29/2000 | Ravindra R. Mantena | YOR920000552US1 | 8671 |

23405 7590 07/16/2003

HESLIN ROTHENBERG FARLEY & MESITI PC
5 COLUMBIA CIRCLE
ALBANY, NY 12203

EXAMINER

GART, MATTHEW S

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3625

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 09/752,330 | Applicant(s) RAVINDRA R. MANTENA | |
| | Examiner Matthew s Gart | Art Unit 3625 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 07 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 5/28/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Claims 1-36 were originally presented in the instant application. No claims have been canceled, amended or added via the Applicant's response to the first office action on merits filed 16 February 2003.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Conklin et al. U.S. Patent No. 6,338,050.

Referring to claim 1. Conklin et al. discloses a method of providing an entitled price in an electronic transaction comprising:

- Electronically sending by a requestor a request for an entitled price from a public electronic environment (at least column 23, lines 19-36, "Thus, the present invention enables the collection and storing of negotiations and results data in a highly secure hosting environment over a public network");
- Automatically routing the request to a private electronic environment (at least column 18, lines 38-47, "The present invention allows the creation of one or more sponsored communities of any number of types for conducting iterative

negotiations over a network. As seen in FIG. 1a, the network used is the present-day Internet with TCP-IP protocols and formats, but those skilled in the art will appreciate that it could also be implemented on any future open network(s) which might replace or supplement the Internet, or it could be implemented inside current, private networks within a corporation, if desired”);

- Obtaining the entitled price within the private electronic environment while the requestor waits (at least Abstract, “...allows a seller/participant to use remote authoring templates to create a complete Website for immediate integration and activation in the community, to evaluate proposed buyer orders and counteroffers, and to negotiate multiple variables such as price, terms, conditions, etc., iteratively with a buyer.”); and
- Automatically returning the entitled price from the private electronic environment to the public electronic environment for providing to the requestor (at least Abstract).

Referring to claim 2. Conklin et al. further discloses a method wherein the public electronic environment comprises:

- A front end application (at least column 11, line 60 to column 12, line 14);
- Wherein the private electronic comprises a back end Enterprise Resource Planning (ERP) application, wherein the electronically sending comprises electronically sending by the requestor the request via the front end application, wherein the automatically routing comprises automatically routing the request to the ERP application, wherein the obtaining comprises obtaining the entitled price

Art Unit: 3625

from the ERP application while the requestor waits, and wherein the automatically returning comprises automatically returning the entitled price from the ERP application to the front end application for providing to the requestor (at least Abstract).

Referring to claims 3-6. Conklin et al. further discloses a method wherein the automatically routing and the automatically returning are accomplished at least in part by messaging middleware, wherein:

- The messaging middleware comprises MQSERIES and the ERP application comprises SAP (at least column 20, line 61 to column 21, line 18);
- The messaging middleware comprises MSMQ (at least column 20, line 61 to column 21, line 18).

Referring to claims 7-8. Conklin et al. further discloses a method wherein the ERP application comprises SAP and/or BAAN (at least column 20, line 61 to column 21, line 18).

Referring to claim 9. Conklin et al. further discloses a method wherein the public electronic environment comprises a global computer network, and wherein the front end application comprises a browser (at least column 2, lines 3-11).

Referring to claim 10. Conklin et al. further discloses a method wherein the electronic transaction takes place at least partially over the global computer network, wherein the electronically sending comprises electronically sending the request from the browser to a global computer network site server, and wherein the automatically routing comprises:

Art Unit: 3625

- Forwarding the request from the global computer network site server to messaging middleware (at least column 20, line 61 to column 21, line 18);
- Sending the request from the messaging middleware to the ERP application (at least column 20, line 61 to column 21, line 18); and
- Causing by the messaging middleware a command to be issued to the ERP application (at least column 20, line 61 to column 21, line 18).

Referring to claim 11. Conklin et al. further discloses a method wherein the automatically returning comprises:

- Sending the entitled price from the ERP application to the messaging middleware (at least column 20, line 61 to column 21, line 18);
- Forwarding the entitled price from the messaging middleware to the global computer network site server (at least column 20, line 61 to column 21, line 18); and
- Returning the entitled price from the global computer network site server to the browser (at least column 20, line 61 to column 21, line 18).

Referring to claim 12. Conklin et al. further discloses a method comprising encrypting and decrypting communications between the browser and the global computer network site (at least column 33, line 48-64).

Referring to claims 13-24. Claims 13-24 are rejection by the same rationale set forth above in claims 1-12.

Referring to claims 25-36. Claims 25-36 are rejected by the same rationale set forth above in claims 1-12.

R sponds to Argum nts

Applicant's arguments filed on 7 June 2003 have been fully considered but they are not persuasive.

The Applicant argues that, "The claims of the present application all recite an 'entitled price,' and not simply a price, which is not disclosed, taught or suggested in Conklin et al. As set forth in the present specification at, for example, page 2, lines 9-16, an entitled price is one that, for example, has already been negotiated between a volume buyer and a seller. Thus, the present claims presume an already existing entitled price, whereas Conklin et al. focuses on providing a forum for agreeing on price and other variables."

The Examiner notes, buyer processes shown in FIG. 1g include search and evaluate processes **70**, which enable a prospective buyer to find companies and their products in the community and investigate their prices, terms and service offerings. If a buyer is interested in opening negotiations with a particular seller, the propose orders processes can be based on catalog prices or desired price and other terms, special orders for samples or small quantities, proposed payment vehicles, and can include information about the buyer (column 19, line 54 to column 20, line 3). In essence a catalog price is an entitled price, if after a buyer investigates a seller's product and views the seller's price in a catalog, the seller is obligated to sell the product at the catalog stated price. In Conklin the price could be fixed and other variables such as terms and service offerings could be negotiated.

Art Unit: 3625

The Attorney argues that, "...claim 1 makes clear that the request emanates from a public electronic environment and is automatically routed to a private electronic environment. In short, public-to-private (claim 1) is different from public-to-public or private-to-private." The Attorney further argues, "There is no disclosure, teaching or suggestion of this aspect of claim 1 in the cited section of Conklin et al."

The Examiner notes, with reference now to FIG. 27, an overview block diagram illustrating the international transaction processing features of the present invention is shown. As seen there, multivariate negotiations engine system **02** is connected over an International network IN, such as the Internet **04** (public). Those skilled in the art appreciate it could also be a proprietary network or virtual private network, if desired. For international processing, sponsored community CC might be a community of sellers of electronic components **08s** located in Pacific rim countries. Prospective buyers **08b** can be located anywhere in the world, such as Russia, Europe, Africa, South America, North America, and so on.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 3625

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

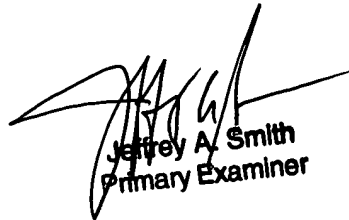
Any inquiry concerning this communication should be directed to Matthew Gart whose telephone number is 703-305-5355. This examiner can normally be reached Monday-Friday, 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

MSG

July 8, 2003



Jeffrey A. Smith
Primary Examiner